

**BEFORE THE DEPARTMENT OF TRANSPORTATION, ENVIRONMENTAL  
PROTECTION AGENCY AND THE COUNCIL ON ENVIRONMENTAL  
QUALITY**

**BY THE TEXAS STATE  
CONFERENCE  
OF NAACP BRANCHES  
IN BEHALF OF MINORITY  
CITIZENS OF THE STATE  
OF TEXAS**

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13R-00-R6

**ORIGINAL COMPLAINT**

NOW COMES the Texas State Conference of NAACP Branches and files this their complaint pursuant to (1994) Executive Order 12898, the departmental orders implementing the same and Title VI of the Civil Rights Act of 1964, and in support thereof would show the following:

I.

The Longhorn pipeline is a 700 mile structure that is proposed for use to transport gasoline and jet fuel across Texas to markets throughout the United States. About 450 miles of the pipeline was built in 1950 to ship crude oil from Crane in West Texas to refineries in Baytown. A group of pipeline and energy companies purchased the pipeline in 1995 and are building a 250 mile extension from Crane to El Paso. Pipeline partners include Exxon Pipeline Company, Amoco Pipeline Company, Williams Pipeline Company, Beacon Group Energy Investment Fund and Chisum Holdings. Recently your federal agencies have approved the use of this pipeline for the intended purpose. To the extent that any of the above referenced companies or their related, affiliated or subsidiary companies receive federal funds, a Title VI complaint is made.

As a result of concerns raised by the Department of Fish and Wildlife, apparently the pipeline participants are providing new pipe for a portion of the pipeline. However, no new pipeline will be provided to areas that are predominately minority, though there are many such areas throughout the pipeline.

The Texas State Conference of NAACP Branches Executive Board voted unanimously to oppose the use of the Longhorn Pipeline for the desired purposes as stated in the current permit application.

II.

(1994) EXECUTIVE ORDER 12898  
FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN  
MINORITY POPULATIONS AND LOW-INCOME POPULATIONS

This executive order provides the following for Agency responsibilities:

To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, such Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Marian Islands.

Though the Federal Agencies have agreed to permit the new use of the pipeline, the Commissioner of the Texas General Land Office has taken an appropriate position of not supporting this decision—at least at this time. The Agencies have not appropriately assessed the disparate and undue impact on minority populations as a result of the new permitted use of this pipeline, which would include but are not limited to the following:

1. In the Austin area there will be approximately 19 miles of new pipeline provided. However, no pipeline will be provided to predominately minority areas.
2. In the Austin area there are at least 10 schools that are near the Longhorn Pipeline, and of that group, the schools that have the largest percentage of minorities will not be getting new pipeline but the other schools will.
3. In Northwest Harris County, where some of the most populous areas are located near the pipeline, there are 13,000 minorities in Harris County within 1,250 feet of the pipeline (in some areas 90% or more of those located near to the pipeline are minorities);
4. In predominately minority areas such as near the airport in Austin, the pipeline is adjacent to the back yards of homes or yards of Churches (50 feet from structures), while in the non-minority areas surveyed the homes are substantially further from the pipeline. The explosion in Abilene shows the danger for homes to be located too close to a pipeline transporting gasoline.
5. The new pipeline proposed has a disparate impact on racial minorities and also on low income populations which are disadvantaged both by the current placement of the pipeline and by the proposed new pipeline which will not benefit them.

### III.

#### HEALTH, ENVIRONMENTAL AND SAFETY HAZARDS

There are numerous environmental, health and safety hazards caused by the exposure of any community to gasoline and its byproducts. Minority communities have traditionally been exposed disproportionately to such environmental health and safety hazards, and the proposed use of the Longhorn Pipeline will serve to disadvantage minority communities disproportionately



(without justification) in a number of ways, including but not limited to the following:

1. Increased risk of disease and health problems;
2. Depreciation of Property;
3. Loss of use and enjoyment of property; and
4. Lowered marketability of property.

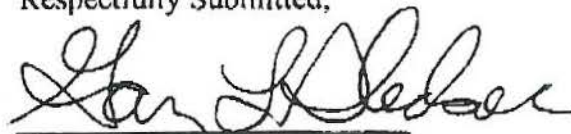
IV.

The location of the pipeline, the intended use of the pipeline and the decision in regards to the limited amount of new pipeline are all factors whose impact are known to the makers.

WHEREFORE PREMISES CONSIDERED, the Texas State Conference of NAACP Branches requests that you undertake an investigation into whether Executive Order 12898 and Title VI have been complied with and/or violated, and upon the finding of a violation to do the following:

- a. enjoin the newly proposed use of the pipeline from being implemented;
- b. provide such other and further relief as may become necessary or to which the minority community may show itself to be entitled.

Respectfully Submitted,



Texas State Conference of  
NAACP Branches

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